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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/345,698	06/30/1999	JAMES BARLETT	5053-23800	1521

7590 08/27/2003

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EXAMINER

THAI, TUAN V

ART UNIT	PAPER NUMBER
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2186

DATE MAILED: 08/27/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/345,698

Applicant(s)

BARLETT ET AL.

Examiner

Tuan V. Thai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-83 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 28-34, 47-49, 58-64 and 76-83 is/are rejected.
- 7) ☒ Claim(s) 5-27, 35-46, 50-57 and 65-75 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 and 6. 6) ☐ Other: _____

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Part III DETAILED ACTION

Specification

1. Claims 1-83 are presented for examination.
2. Applicant is reminded of the duty to fully disclose information under 37 CFR 1.56.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 28-34, 47-49, 58-64 and 76-83 are rejected under 35 U.S.C. 102(b) as being anticipated by Sharman (USPN:5,586,310);

As per claims 1 and 2; Sharman teaches the invention as claims including a system and method for maintaining coherency or synchronizing copies of data in a computer system including reading and storing first/second copies of primary data set in a first/second memory locations, setting a valid flag upon storing;

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modifying the first copy, then setting the second validity flag to invalid after modifying the first copy as being equivalent to the method of distributed data processing by propagating updates of the primary copy to the other data processors holding secondary copies of the data record, and transferring responsibility for the primary copy from first data processor to another one of the data processors wherein the secondary copy of the other processor is designated as the primary copy of the data record for update purpose (e.g. see abstract, column 2, lines 52 et seq.); also replacing with modified copies and changing validity bit in accordingly (e.g. see column 2, line 60 bridging column 3, line 5; column 4, lines 56 et seq.; column 6, lines 8 et seq.);

As per claim 3, wherein first/second programs (files) is associated with first/second copies (e.g. see column 4, lines 12 et seq.);

As per claim 4, reading the second validity flag in response to a program requesting access to the second copy, and replacing the second copy with the primary data set before granting the access request if the second validity flag indicates that the second copy is invalid (e.g. see column 2, line 60 bridging column 3, line 5; column 4, lines 56 et seq.; column 6, lines 8 et seq.);

As per claims 28-30, the type of data set (primary or

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secondary) is data record/group/table is taught by Sharman to the extent that it is being claimed; first of all, it should be noted that data set type is a system dependent feature, secondly; neither the specification nor the claim disclose the fact that by changing the data set type, it would changing the operation of the system. By this rationale, claims 28-30 are therefore rejected.

As per claims 31-32, 61-62; they encompass the same scope of invention as to that of claims 1-2 except that they are drafted as system format rather than method format, the claims are therefore rejected for the same reasons as being set forth above.

As per claims 33-34, 63 and 64; they encompass the same scope of invention as to that of claims 3 and 4 except that they are drafted as system format rather than method format, the claims are therefore rejected for the same reasons as being set forth above.

As per claims 47 and 48, it is embedded in any computer system including the system of Sharman that each computer in his system stores a system interface program which is executable to communicate to the plurality of programs running on the computer; also see Sharman's column 3, lines 57 et seq.);

As per claim 49, it is embedded and understood that each data processors on the network as being taught by Sharman containing or having local memory for storing copies of data

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files (e.g. see column 4, lines 12 et seq.);

As per claim 57; the further limitation of wherein the coupling system interface program comprising a plurality of functions and an application programming interface wherein each function is configured to perform at least one of data synchronization task ... to a plurality of programs (e.g. see abstract; column 2, lines 50 et seq.; column 4, lines 20 et seq.);

As per claims 58-60 and 76-80; see arguments with respect to claims 28, 29, 30 and 81.

As per claims 81-83; wherein the primary data set relates to financial transaction data (e.g. see column 5, lines 16 et seq.);

Allowable subject matter

5. Claims 5, 35, 50 and 65 are objected to as being dependent upon a rejected based claims but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 6-27, 36-46, 50-56 and 66-75 are also allowable since they are depended upon the indicated allowable claims 5, 35, 50 and 65.

Conclusion

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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Washington, D.C. 20231

or faxed to:

After-final (703) 746-7238

Official (703) 746-7239

Non-Official/Draft (703) 746-7240

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan V. Thai whose telephone number is 703-305-3842.

The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM.

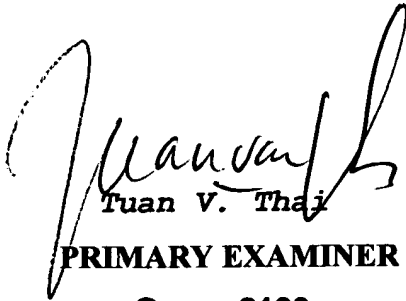
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Matthew M. Kim can be reached on (703) 305-3821.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

TVT/August 23, 2003

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Tuan V. Thai
PRIMARY EXAMINER
Group 2100